

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-AB548)**

Received: **10/14/2003**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne E.**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **mlief**

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Limit on bonds required in civil actions

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 10/14/2003	kgilfoy 10/14/2003		_____			
/1			pgreensl 10/15/2003	_____	mbarman 10/15/2003	mbarman 10/15/2003	
/2	rnelson2 10/17/2003	kgilfoy 10/17/2003	jfrantze 10/20/2003	_____	mbarman 10/20/2003	mbarman 10/20/2003	

FE Sent For:

<END>

7610/20 76/Rs  
10/20 (END)

10/14/2003 04:14:07 PM

Page 1

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/?	rnelson2	11-10/14 King	10/15 ps	11/15 le/pv			
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FE Sent For:

&lt;END&gt;

**Nelson, Robert P.**

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**From:** Emerson, Anne  
**Sent:** Tuesday, October 14, 2003 2:45 PM  
**To:** Nelson, Robert P.  
**Cc:** Suder, Scott; Hilgemann, Luke; 'StengerGov@aol.com'  
**Subject:** Amendment draft request

Bob,  
We were wondering if we could have an amendment drafted to our bill, AB 548. It was a bill that Madelon Leif originally drafted, but since she is out of the office, it was suggested you might be the one to talk to about this. The suggested language is as follows. If you have any questions or need any additional information please feel free to contact me.  
Also, they are planning to vote on this bill next Tuesday. I was wondering what the possibility would be of having it by then. Just let me know, so we can plan accordingly.

Thanks!  
Anne  
Office of Rep. Suder  
7-0280



WI Proposed  
d Amendment.DC

49th  
1st of the month  
beginning after the  
effective date  
of this ...

2003

Date (time)  
needed

10/16 pm

LRBa 1173 1/1

AMENDMENT

RPNA 1756: Rmg:

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

D-NOTE

TO S A AMENDMENT (LRBa 1 ),

TO S A SUBSTITUTE AMENDMENT (LRBs 1 ),

TO 2003 SB SJR SR AB AJR AR 598 (LRB- 1 )

At the locations indicated, amend the bill as follows:  
(fill ONLY if "engrossed ..." or "as shown by .....")

✓ #. Page 1, line 4: delete lines 4 to 6  
and substitute:

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

10/14/2003

Proposed Amendment to AB 548

~~The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:~~

~~Section 1. 808.07 (2m) of the statutes is created to read:~~

(no underscoring  
or striking)

~~(( 808.07 (2m) LIMIT ON UNDERTAKING. (a) During the pendency of an appeal of a judgment in any civil action brought under any legal theory, the amount of the undertaking to be furnished by a trial court or appellate court may not require an undertaking of all appellants collectively in order to stay the execution of the judgment during the entire course of all appellate review shall not ~~that~~ exceed \$100,000,000, regardless of the value of the judgment. ))~~

~~(b) Notwithstanding par. (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter any order necessary to protect the appellee and may require the appellant to post a bond in an amount now to exceed the amount of the judgment.~~

~~SECTION 2. Initial applicability.~~

~~(1) This act first applies to actions commenced or pending on the effective date of this subsection.~~

(End)

D-N

The "passive" language used in this draft is somewhat confusing because it seems to imply that the appellants set the bond <sup>amount</sup>. In fact, the court sets that amount and this draft could be revised to make that clear.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1173/1dn  
RPN:kmg:pg

October 15, 2003

The "passive" language used in this draft is somewhat confusing because it seems to imply that the appellants set the bond amount. In fact, the court sets that amount and this draft could be revised to make that clear.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Thursday, October 16, 2003 11:39 AM  
**To:** Rep.Suder  
**Subject:** LRB 03a1173/1 (attached - requested by Anne)



03a1173/1



03a1173/1dn

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703





Now

ASSEMBLY AMENDMENT,  
TO 2003 ASSEMBLY BILL 548

the court shall set

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 4: delete lines 4 to 6 and substitute:

3 "808.07 (2m) LIMIT ON UNDERTAKING. (a) During the pendency of an appeal of

4 a judgment in any civil action, the amount of the undertaking to be furnished by all  
5 appellants collectively in order to stay the execution of the judgment during  
6 appellate review, but the undertaking shall not exceed \$100,000,000."

7

(END)